

## **BOARD OF SELECTMEN**

**March 9, 2010  
Minutes**

The Board of Selectmen met on Tuesday, March 9, 2010 in the Town Hall Clark Room. Those present were Selectmen Timothy F. Hult, John D. Williams, William R. Tice, Jr., Douglas A. G. Stevenson, and Peter Scavongelli. Town Administrator Timothy D. Goddard was also present.

The meeting was called to order at 7:00 p.m.

Mr. Stevenson talked about firefighters Chris Sullivan, Bill Ho, Paul Martin and Lloyd Burke who have continued their Certification in Firefighter 1 and 2, which is a 180 hour training program. Mr. Stevenson added that Lloyd Burke was the recipient of a special award as an outstanding student.

### **Town Administrator Report**

Mr. Goddard said the Town of Carlisle is scheduled to receive the Common Cause e-Government Award on Tuesday, March 16<sup>th</sup> in a ceremony at the State House. He said in this report the Board would find the criteria for receiving the e-Government award, which includes posting current meeting minutes, agendas, Town Meeting warrants and results on the Town's web pages more frequently.

Mr. Goddard said Town Officials have been asked to encourage residents to complete and return their 2010 Census questionnaires, which he pointed out has only 10 questions.

Mr. Goddard said Finance Director Larry Barton has been working on refinancing some of the Town's Long Term Debt. Mr. Goddard said the Bond sale has been completed and the Board is now being asked to approve this refinancing at a public meeting and to further execute the bonding authorization agreements. Mr. Goddard said this is a \$3million bond issuance at an interest rate of approximately 2% with the Eastern Bank.

On a motion made by Mr. Stevenson and seconded by Mr. Williams, it was **VOTED 4-0** that in order to reduce interest costs, the Treasurer is authorized to issue refunding bonds, at one time or from time to time, pursuant to Chapter 44, Section 21A of the General Laws, or pursuant to any other enabling authority, to refund a portion of the Town's (i) \$1,500,000 General Obligation Town Hall Bonds dated June 15, 1997 maturing in the years 2011 and 2012, (ii) \$3,770,000 General Obligation Municipal Purpose Loan of 1999 Bonds dated June 15, 1999, maturing June 15 in the years 2011 through 2019 (inclusive), and (iii) \$3,940,000 General Obligation Municipal Purpose Loan of 2000 Bonds dated June 15, 2000 Maturing on June 15 in the years 2011 through 2019 (inclusive) (collectively, the "Refunded Bonds") and that the proceeds of any refunding bonds issued pursuant to this vote shall be used to pay the principal redemption premium, if any, and interest on the bonds of the Town to be refunded, and costs of issuance of the refunding bonds. It was further moved that the sale of the \$3,073,000 General Obligation Municipal Purpose Loan of 2010 Bonds of the Town dated March 15, 2010 (the "Bonds"), to Eastern Bank at the price of \$3,162,843.07 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on March 15 of the years and in the principal amounts and bear interest at the respective rates according to the attached schedule.

Mr. Hult said this is merely a lowering of the debt costs over a period of time.

Mr. Goddard said the National Brain Tumor Society has again asked the Board's permission to conduct part of its Annual 'Ride for Research' bike race through Carlisle's roads. He said the race is scheduled on May 16, 2010, and the committee for the race has been made aware that they will have to consult with Police Chief John Sullivan regarding traffic and roadway safety issues. On a motion made by Mr. Williams and seconded by Mr. Tice, it was **VOTED 4-0** to approve the National Brain Tumor Society's request to conduct a portion of its May 16, 2010 bicycle race in the Town of Carlisle with the understanding that they shall consult with Chief Sullivan regarding traffic and roadway safety issues.

### **Community Input**

Alan Carpenito from South Street spoke to the Board about and for the abutters to the Benfield Project. He said he wanted to thank Mr. Hult and Mr. Stevenson for meeting with the abutters on October 15<sup>th</sup>. He said however at that time they asked if they could meet with the developer. So far no meeting with the developer has been scheduled. Alan asked that before any more fees are waived for the Developers, could they [the Developers] please meet with the abutters as requested. Mr. Hult said he did speak with the Housing Authority and they did decline to meet with the abutters. He said he will ask them again. Mr. Lemmermann from 548 South Street said he agreed with Mr. Carpenito.

### **Discussion of Foss Farm Noise Complaint**

Mr. Christopher Adamchek, resident of 1036 Bedford Street was present to address the Board. Mr. Hult said because there has been some communication from the Adamcheks relating to legal action, the Town has been advised by legal counsel not to respond in a public meeting until we have had an opportunity to confer with legal counsel. Mr. Adamchek said his property abuts Foss Farm. Since November, 2008 he has had a great amount of difficulty dealing with the noise from the sled dog activities at Foss Farm. He filed a complaint with the Conservation Commission in November 2008. Mr. Adamchek said the Commission has tried various methods to reduce the amount of noise from the sled dog activity. However, Mr. Adamchek pointed out that the Conservation Commission supports the dog sledding as an appropriate use of Foss Farm and since it was established as a town activity in 1971, it is recognized as a well-established historical use. Mr. Adamchek informed the Board that the barking of the dogs is gravely affecting his health. He said he is putting the Town on notice that it must do something to stop the noise.

Mr. Adamchek's wife said they moved to Carlisle for its quietness. The barking of the dogs at Foss Farm is greatly affecting Mr. Adamchek's health in a negative way. She said the laws regarding barking dogs should be followed, and that is all they are asking.

Mr. Scavongelli arrived.

### **Appointments**

On a motion made by Mr. Stevenson and seconded by Mr. Williams, it was unanimously **VOTED** to appoint Christen W. Seminatore as a Carlisle Special Police Officer.

On a motion made by Mr. Stevenson and seconded by Mr. Tice, it was unanimously **VOTED** that on the recommendation of Chief John Sullivan and Chief David Flannery, the Board of Selectmen appoint Sandra Vecchio to the position of Public Safety Dispatcher.

### **Minuteman Tech-Warrant Article for Feasibility Study**

Camie Lamica, Director of Business and Operations at the Minuteman Technical High School was present to talk about their proposed Warrant article. Ms Lamica gave an update on the progress at the High School. She said a statement of interest was filed with MSBA about a year and a half ago. She said MSBA announced in July 2009 a commitment of \$100million to vocational schools. Minuteman was named as one of these schools to receive funds. The Minuteman School will be voting to borrow \$725,000 which is the cost of the Feasibility Study, before the 40% reimbursement from MSBA. Ms Lamica said this cost will be shared by sixteen member towns. The cost for the Town of Carlisle would be approximately \$7,756.

Mr. Tice asked if the enrollment is going up or down. Ms Lamica replied that it was fluctuating, but now is stabilizing. Mr. Hult asked about enrollment that is, in regard to member towns. Ms Lamica said the complete enrollment is 750 students. About 250 students are from non-member communities.

Board of Selectmen

March 9, 2010

2

Approved: March 23, 2010

According to the terms of the District agreement, in order to proceed with the Study, the Minuteman District needs the approval of all 16 member towns. Mariellen Perugini, Carlisle's representative to Minuteman passed forward a letter from the School Committee asking for interested individuals to join the School Building Committee.

#### **Stretch Code Hearing – Cont'd from 1/26/10**

Mr. Hult said tonight the Board would review the wording for the Stretch Code Article. John Luther and Glenn Reed were present from the Energy Task Force Committee. John Luther said if this new code is adopted, it will take place of the old energy code. In response to Mr. Tice, John L said three cities and one town have adopted the stretch code. He said this topic is presently on many Town Meeting's this spring. (approx. 25) John L said switching to the Stretch Code will be a minor change. The main difference will be the need to prove the rating that is, HRS. Glenn Reed said he will have more information on the Stretch Code by the end of the Month. Mr. Hult said he would like to keep the Public Hearing open until that time.

Mr. Williams asked about Benfield, and had there been any conversation from the developers. John L said they will be required to build to the new energy code. However they are not at that phase yet. Mr. Stevenson brought up the 'green community' issue and the possibility of receiving grants because of same. Glenn Reed there are broader challenges beside the Stretch Code in order become a green community. This will not be the overriding rationale for passing the Stretch Code.

On a motion made by Mr. Tice and seconded by Mr. Williams, it was unanimously **VOTED** to continue the Stretch Code Public Hearing to March 23, 2010.

#### **Continued Discussion of Regionalization Committee**

Mr. Hult said at our last meeting the Board reviewed a charter for a regionalization sub-committee. He made note of the changes from the draft document (revised document attached hereto). Mr. Stevenson said at a recent MAGIC meeting, the group had decided to apply for a grant that will help establish a data base of all of the different regionalization ideas that are being used by all of our neighboring communities.

On a motion made by Mr. Tice and seconded by Mr. Williams, it was unanimously **VOTED** to approve the Charter for the Special Committee for Regionalization Opportunities.

#### **Continued Discussion of Community Preservation Act**

Mr. Hult said the Board has talked about considering a reduction to the CPA. He said this discussion relative to the CPA started with the realization of the impact the High School and the CPS projects will have on the taxpayer. He said the Special Financial Planning Committee looked at this and made the recommendation that perhaps the Town should take a look at the CPA and ask if it makes sense to re-visit this now because of these new added expenses.

Mr. Hult prepared three possible Articles for discussion relative to the CPA. The first article would reduce the level of the surcharge from 2% to a level the Town chose; the second article would rescind the CPA; and the third article was a vote to direct the Selectmen to place an article on a subsequent Town Meeting warrant to either reduce the surcharge, or rescind the acceptance by the Town. Steve Pearlman from Baldwin Road asked for clarification on the articles. Mr. Hult read the three options up for consideration. Mr. Williams said there could be an amendment on the floor at Town Meeting. Jay Luby from Woodbine Road asked for clarification about which Town Meeting this was going to be discussed. [The annual Town Meeting]. He also said the CPA plays to the character of Carlisle. He felt that we must keep it. David Freedman of Hutchins Road said, it is because of the Schools the Board of Selectmen should be counting on the CPA funds. Without the Community Preservation Committee, the financial outlook that is being presented will make any other investment beside the schools impossible.

Steve Pearlman said there should be a careful balance between the taxes for the School and the CPA surcharge. Mr. Hult agreed that these are difficult times and definitely uncertainty in the future.

Mr. Pearlman said the Town should not be placing the School against the CPA, or in other words in opposition.

Board of Selectmen

March 9, 2010

3

Approved: March 23, 2010

Marc Lamere from Rutland Street felt strongly about reducing the amount of percentage in the CPA. He said there were many small projects that the CPA could fund. He said the Town should try to be more creative with the CPA funds now. Maybe 2% is too high, but how about 1½%? On a motion made by Mr. Williams and seconded Mr. Tice, it was **VOTED 4 Yes 1 No** to place Option 3 on the warrant (directing the Selectman to place an article on a subsequent Town Meeting Warrant to either reduce the surcharge, or rescind the acceptance by the Town, of the Community Preservation Act, Sections 3 to 7 of Chapter 44B of Massachusetts General Laws and further to place such rescission or reduction if approved by the Town Meeting on the ballot for acceptance by the voters of the Town of Carlisle at the next qualifying Town or State election, or take any action related thereto).

### **Selectmen/FinCom/Long Term Caps**

David Guarino and David Model from the Finance Committee were present for this discussion. They talked about how the process began, in the Fall of 2009 starting with their request to the Boards and Committees to consider how a 10% reduction would impact their 2010 budget. In December they sent out the Guideline budget letter. At that time included in free cash use was \$102,558.00; \$75,000 would go to the Stabilization fund; and the remaining \$27,558 to the operating budgets. He said the Fincom anticipated a \$150,000 override request for CCRSD Budget. After the January and February budget hearings David G said there was a request for \$411,000 over the guideline budget, and included in that request was \$40,000 for the cola, and \$30,000 for the cistern and \$150,000 for the High School. They therefore gave the following recommendation for the Board of Selectmen to consider:

They recommended using \$321,390 of Free Cash for the following:

- \$ 75,000 - Stabilization Fund (3<sup>rd</sup> year of 3-yr plan)
- \$ 20,000 - for Town Cistern (of \$30,000 requested)
- \$150,000 - For CCRSD operating budget [to avoid over ride]
- \$ 76,390 - In other operating budget requests – includes 2% COLA by department (approx. \$40,000),  
Net of approx. \$21,000 requests under Guideline

David G said their goal was to use \$300,000.00 of Free Cash. Last July 1, 2009 Free Cash was certified at \$1,349,080. David said this leaves over one million dollars in the free cash balance.

David G and David M discussed the list of recommended requests above the guideline budget which totaled \$280,000. He then listed those requests that were not recommended, which totaled \$131,000.

Mr. Stevenson asked to see a copy of the budget. It will be provided at the next meeting.

### **Fire Engine 6 – Replacement / Cisterns.**

David Flannery spoke about his recommendation for the replacement of Engine 6. Chief Flannery said this truck is 25 years old. He said at the time it was purchased, there was little consideration that it would be used for providing water over long distances. David said it has a small pump with many limitations. He said you cannot pump water and shift the four wheel drive at the same time. This vehicle can only carry one person and it is not an easy truck to maneuver. A newer truck will have a greater amount of flexibility. David said the purchase of this vehicle will complete our apparatus plan for moving water long distances. Mr. Scavongelli asked what will happen to the old one. Chief Flannery said it will be sold. Don Rober from Long Term Caps said the Committee looked at this as being a 25 year old vehicle, and although this is not a good time to put this on the Warrant, it will not be a good time to put it on the Warrant 5 or 10 yrs from now. Mr. Hult agreed that this is a necessary vehicle.

### **Discussion with Planning Board**

Article 19 Professional Services - Planning Board members Michael Abend, David Freedman and Marc Lamere were present to talk about an article for Professional Services. David said this idea was recommended by Finance Director Larry Barton. The Planning Board does not have a budget from with to

draw for any planning expenses. Furthermore, David said the Planning Board gives the fees that they receive to the General Fund. The amount they were asking for was \$5,000.00 this year and \$10,000 next year.

Site Plan Review – Zoning Bylaw Amendment Michael Abend spoke about the contents of the amendment. He said the idea of these amendments is to streamline the Site Plan process. He went over the changes. David said the original Site Plan Review only addressed the finished project, whereas quite often construction was an issue for the community or the abutters. These amendments would address construction management from all aspects for all projects. There was a discussion on 7.6.2. of the Site Plan Review. Mr. Stevenson asked for an explanation as to why the number of days was extended from 35 to 45 for the Planning Board to prepare a report to the Board of Selectmen on any Site Plan. Mr. Abend explained that the Planning Board has to make sure they have enough time to prepare a report, by that they have to work with other boards and Committees meeting's schedules. They need enough time to enable them to do the whole report and prepare a recommendation.

Michael Abend said the bylaw will require a public hearing. Mr. Abend presented the Rules and Regulations for the Site Plan Review. The Board decided to review the Rules and Regs at the next meeting.

Mr. Goddard said the National Flood Insurance Maps are being changed by FEMA and part of the requirements for the Town's continued participation in the national flood insurance program is that we amend the flood district bylaw with very descriptive language. He said originally Town Counsel proposed a series of six (6) warrant articles that would accomplish this, however it has been narrowed down to two. He said Town Counsel, Planning Board and Conservation Commission have not finalized the language on this article. Marc Lamere said what we are approving is the data. He said where the actual flood zones are located has not changed. The new maps have tied in a view of everyone's house in relation to the flood area instead of a hand-drawn thing. The wording for this article will be reviewed at the next meeting.

Mr. Freedman said the Public Hearing for this Zoning Bylaw amendment and the Site Plan Amendment will be held at the same time. The Public Hearing will be held on April 12<sup>th</sup>.

### **Review of Annual Town Meeting Warrant**

Mr. Goddard went through the Warrant for the Annual Town Meeting – May 10, 2010 (attached hereto) He said the first several articles are the annual occurring articles, such as the Town Reports, and the Consent Agenda [Articles 2-9]. Mr. Goddard said there was a new article, Article 13 for CCRSD Technology Stabilization Fund. Mr. Hult suggested asking the Regional School Committee to address this at a future Board of Selectmen meeting. Mr. Goddard noted that Article 16 is a capital expenditure for the cisterns. Mr. Stevenson suggested placing this Article after article 12. It was also suggested that Article 17, for the Engine No. 6 Replacement be placed after Article 12, also [making it #13].

Mr. Goddard noted that Articles 24 and 25 would be Zoning Articles. Article 26 is the Stretch Code. Article 27 has been eliminated. Article 29 is for the Cranberry Bog House Repairs if it is not approved in the CPA article. He said the Ballot questions will change for Engine 6.

### **Liaison Reports**

Mr. Williams said before the next Selectmen's meeting the Benfield Housing Trust will hold a brief meeting. At that time a summary will be provided as to where we are on affordable accessory apartments.

Mr. Goddard spoke about a Mass Historic Commission grant application for \$100,000 for the Highland Stabilization Building.

### **Minutes**

On a motion made by Mr. Tice and seconded by Mr. Stevenson it was unanimously **VOTED** to approve the Minutes to the Board of Selectmen meeting of February 23, 2010.

At 10:45 Mr. Williams made a motion to go into Executive Session, not to return to open session for the purpose of discussing possible litigation. The motion was seconded by Mr. Tice and the following roll call vote was taken: Hult – aye; Williams – aye; Tice – aye; Stevenson – aye; and Scavongelli – aye.

Respectfully submitted by Margaret M. deMare